

SIKKIM



GOVERNMENT

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 20/LD/18

Date: 24.10.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 24th day of September, 2108 is hereby published for general information:-

THE SIKKIM ANTI DRUGS (AMENDMENT) ACT, 2018

(ACT NO. 20 OF 2018)

AN

ACT

further to amend the Sikkim Anti Drugs Act, 2006

BE it enacted by the Legislature of Sikkim in the Sixty-ninth Year of the Republic of India, as follows:-

Short title, extent and commencement	1. (1) This Act may be called the Sikkim Anti Drugs (Amendment) Act, 2018. (2) It shall extend to the whole of Sikkim. (3) It shall come into force on the date of its publication in the Official Gazette.
Amendment of Section 9	2 In the Sikkim Anti Drugs Act, 2006 (hereinafter referred to as the "said Act"), in section 9,- (i) in sub-section (1), the words "or uses" shall be omitted; (ii) for the existing sub-section (2), the following sub- section shall be substituted, namely:- "(2). Where contravention is by licensed dealers holding drugs license issued under the Drugs and Cosmetics Act, 1940 and Drugs and Cosmetics Rules, 1945, such license shall be

immediately suspended for a period of six months or until a decision is made by the court of law, whichever is earlier. Upon conviction, such license shall stand cancelled. Further, such person shall also be liable for imprisonment which shall not be less than three years, and shall also be liable to pay a fine which shall not be less than rupees one lakh;"

(iii). for the existing sub-section (3), the following sub-section shall be substituted, namely:-

"(3). Where the offender is an addict as defined under clause (b) of section 2, or a consumer as defined under clause (d) of section 2, shall undergo compulsory psychiatric evaluation and/or psychological assessment followed, if necessary, by detoxification and rehabilitation for a period as assessed by a psychiatrist or a psychologist:

Provided that if the offender is a State Government employee or an employee of an undertaking or an Organization of the State Government shall be assessed by a psychiatrist and the State Medical Board who shall recommend and certify the suitability or otherwise of the person to continue with the job responsibility specific to the post the person is holding."

Amendment of Section 42 3 In the said Act, in section 42, after sub-section (3), the following new sub-section shall be inserted, namely:-

"(4). The State Government may also make such other rules for the purpose of carrying out such other activities which are ancillary to and related to the object of this Act."

Insertion of new Section 42A 4 In the said Act, after section 42, the following new section shall be inserted, namely:-

"Power to Make regulation 42A. Subject to the provisions of this Act and the rules made thereunder, the State Government, may by notification, make regulation prescribing the constitution of organization or authority or body, as the case may be, for dealing with and carrying such activities which are ancillary to and or related to the object of the Act."

Amendment of Schedule 5 In the said Act, for the existing Schedule, the following "Schedule" shall be substituted, namely:-

“SCHEDULE

(See clause (c), (i) and (o) of Section 2)

Sl. No.	Controlled Substance Delivery format	Small Quantity	Large Quantity	Commercial Quantity
1	2	3	4	5
1	Pill, Capsule, Tablet	20 pcs or less	21 to 500Pcs	More than 500 pcs
2	Liquid or Syrupcontaining a combination of Controlled Substances with various other Substances	500 ml. or less	501 ml. to 2000 ml.	More than 2000 ml.
3	Injection vials or ampoules (in units)	10 units or less	11 to 50units	More than 50 units.”

K.C. Barphungpa (SSJS)
L.R-cum-Secretary
Law Department